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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/632,028

07/31/2003

Andrew J. Ries

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EXAMINER

ALTER, ALYSSA MARGO

ART UNIT

PAPER NUMBER

3762

MAIL DATE

DELIVERY MODE

12/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/632,028	Applicant(s) RIES ET AL.	
	Examiner Alyssa M. Alter	Art Unit 3762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12,14-16,18-27,29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,4-8,14,16,19-24,26 and 29 is/are rejected.
- 7) ☒ Claim(s) 3,9-12,15,18,25,27 and 30 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 28, 2008 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 1, 3-12, 14-16, 18-27 and 29-30 have been considered but are moot in view of the new ground(s) of rejection in view of Kuzma.

Double Patenting

1. Claims 1, 3-12, 14-16, 18-27 and 29-30 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-28 of copending Application No. 10/632058 (US Patent Publication 20050027327 A1) for reasons previously made of record.
2. Claims 1, 3-12, 14-16, 18-27 and 29-30 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-48 of copending Application No. 10/632026 (US Patent Publication 20050027325 A1) for reasons previously made of record.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 4-5, 7-8, 14, 16, 19-20, 22-24, 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuzma (US 6,198,969 B1). Kuzma discloses a deflectable U-shaped connector clip, clamp 30, as seen in figures 1 and 2. The examiner considers the first deflection portion to be the indentation or tapered portion of receiver 20. As depicted in figure 1, this first deflection portion caused the two arms of the connector clip to deflect upon engagement. The first position of the clip is prior to engagement with the connector clip aperture and the second position of the clip is post engagement with the aperture. Additionally, the first position corresponds to a first distance, while the second position corresponds to a second distance. Therefore, since the first position is at a first distance prior to engagement and the second position is at a second distance post engagement, the second distance is larger than the first distance.

As to the housing portion forming a connector block, the examiner considers both the receiver 20 and the 10 output bracket of the IMD to be the connector block. Furthermore, the examiner considers the longitudinal channel to be the channel where the metal contacts 11 are located (as depicted in figure 1). Additionally the examiner considers the recessed portion of the receiver to be the aperture.

Kuzma discloses the device substantially as claimed by fails to teach the connector clip engaging within the channel. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the electrical contacts 21 located on the receiver with the connector clip engaging the channel through holes in the receiver in order to provide the predictable results of selectively engaging the electrical contacts as well making the electrical contacts easily replaceable without replacing the receiver.

As to claim 5, the channel 24 in the connector clip aperture is considered to be the second deflection portion.

As to claims 14 and 24, the examiner considers the ends of the first and second arms to be protrusions or flanges. These protrusions are also considered by the examiner to be tapered, as depicted in figure 2.

2. Claims 6 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Kuzma (US 6,198,969 B1), as applied to claims 1, 4-5, 7-8, 13-14, 16, 19-20, 22-24, 26 and 29 above. Kuzma discloses the device substantially as claimed by fails to teach the seal member. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate a seal member, since it is commonly known in the art to employ sealing members in implantable medical devices to prevent body fluids from entering or affecting the medical device. Furthermore, incorporating a sealing member would have provided the predictable results of ensuring that body fluids to not affect the medical device.

Claim Objections

1. Claims 3, 9-12, 15, 18, 25, 27 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alyssa M. Alter whose telephone number is (571)272-4939. The examiner can normally be reached on M-F 8am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George R Evanisko/
Primary Examiner, Art Unit 3762

/Alyssa M Alter/
Examiner
Art Unit 3762